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& Development, LLC, and Johnson & Johnson*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA,
STATES OF CALIFORNIA,
COLORADO, CONNECTICUT,
DELAWARE, FLORIDA, GEORGIA,
HAWAII, ILLINOIS, INDIANA, IOWA,
LOUISIANA, MICHIGAN,
MINNESOTA, MONTANA, NEVADA,
NEW JERSEY, NEW MEXICO, NEW
YORK, NORTH CAROLINA,
OKLAHOMA, RHODE ISLAND,
TENNESSEE, TEXAS, VERMONT,
AND WASHINGTON; THE
COMMONWEALTHS OF
MASSACHUSETTS AND VIRGINIA;
and THE DISTRICT OF COLUMBIA,

ex rel. ZACHARY SILBERSHER,

Plaintiffs,

vs.

JANSSEN BIOTECH, INC., JANSSEN
ONCOLOGY, INC., JANSSEN
RESEARCH & DEVELOPMENT, LLC,
and JOHNSON & JOHNSON,

Defendants.

Civil Action No. 19-12107 (KM) (JBC)

Hon. Kevin McNulty, U.S.D.J.
Hon. James B. Clark, III, U.S.M.J.

**CONSENT ORDER SETTING
SCHEDULE FOR FILING SECOND
AMENDED COMPLAINT AND MOTION
TO DISMISS**

Document electronically filed

WHEREAS, on December 21, 2017, Plaintiff-Relator Zachary Silbersher (“Plaintiff-Relator”) filed this *qui tam* action brought under the federal False Claims Act, 31 U.S.C. § 3729, in the United States District Court for the Northern District of California; and

WHEREAS, on October 23, 2018, Plaintiff-Relator filed an Amended Complaint in this action; and

WHEREAS, on February 12, 2019, Defendants Janssen Biotech, Inc., Janssen Oncology, Inc., Janssen Research & Development, LLC, and Johnson & Johnson (collectively, “Defendants”) filed a motion pursuant to 28 U.S.C. § 1404(a) to transfer this action to the District of New Jersey; and

WHEREAS, on February 25, 2019, Defendants filed a Motion to Dismiss the Amended Complaint, which the parties fully briefed by April 11, 2019; and

WHEREAS, on April 29, 2019, Defendants’ motion to transfer was granted, and on May 3, the Clerk of the United States District Court for the District of New Jersey received a Certified Copy of the Transfer Order and docket sheet from the Northern District of California; and

WHEREAS, the parties have agreed on a schedule for the parties to file a Second Amended Complaint and a renewed motion to dismiss in response;

IT IS HEREBY ORDERED, as follows:

1. Plaintiff-Relator shall file a Second Amended Complaint no later than **June 21, 2019**;
2. Defendants shall file a motion to dismiss the Second Amended Complaint no later than **August 5, 2019**;
3. Plaintiff-Relator shall file any opposition to Defendants’ motion to dismiss no

later than **September 9, 2019**; and

4. Defendants shall file any reply in further support of their motion to dismiss no later than **September 30, 2019**.

5. Defendants' motion to dismiss shall be returnable on **October 7, 2019**.

SO ORDERED.

HON. JAMES B. CLARK, III, U.S.M.J.

Dated: May ___, 2019

We hereby consent to the form and entry of the within Order:

LITE DEPALMA GREENBERG, LLC

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